

### REMARKS

Applicant appreciates the thorough examination of the present application as evidenced by the Final Office Action mailed March 19, 2008 (hereinafter "Final Action"). In response, Applicant has amended independent Claims 1 and 9 to clarify that the menu system is pre-programmed, which is not disclosed or suggested by the cited references. Accordingly, Applicant submits that all pending claims are in condition for allowance. Favorable reconsideration of all pending claims is respectfully requested for at least the reasons discussed hereafter.

#### **Independent Claims 1 and 9 are Patentable**

Independent Claims 1 and 9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Canadian Publication No. CA 2 318 293 to Sasse (hereinafter "Sasse") in view of U. S. Patent Publication No. 2003/0143988 to Jamadagni (hereinafter "Jamadagni"). Independent Claim 1 has been amended to clarify that the menu system is pre-programmed and recites, in part:

pre-programming a menu system of the device in dependence of and preparation for several predetermined applications to be downloaded, some of the applications originating from different service providers, each having a different server, such that a correct server associated with the respective application is contacted, such that the device is adapted to display a menu in which a user may navigate, the menu being tailored to handle downloading of settings in connection with said applications and guiding the user; and actuating the device by means of a keystroke while in said menu causing the device to contact a server and download the settings for the application.

Amended independent Claim 9 includes similar recitations. According to the recitations of independent Claim a menu system is pre-programmed to facilitate downloading of applications originating from different service providers and is further tailored to handle the downloading of settings in connection with the applications. (See, e.g., Specification, page 4,


lines 21 - 26). In contrast, Sasse discloses the use of objects containing data in the form of programs, functions, etc. to be loaded into a mobile terminal, either via an aerial interface or by a SIM card read/write device, where they are stored for execution. When executed, an object assists the user in using a value added service by modifying the menu that is displayed for using the value added service. (Sasse, Abstract). Sasse does not disclose the use of a pre-programmed menu system that facilitates the downloading of applications and settings associated therewith from different service providers. Instead, Sasse describes contacting each service provider to have them modify and/or download objects into a SIM card in a target device. (Sasse, page 6, lines 1 - 4). Sasse, thus, teaches away from incorporating pre-programmed menus to facilitate downloading of applications and settings associated therewith. A logical modification of Sasse would be to collect information about different applications and service providers in a database that is accessible by a mobile terminal over an aerial interface, which is fundamentally different from the recitations of Claim 1. Moreover, Jamadagni fails to provide the teachings missing from Sasse with respect to use of a pre-programmed menu system.

For at least the foregoing reasons, Applicant respectfully submits that independent Claims 1 and 9 are patentable over the cited references, and that dependent Claims 2 - 5, 7, 8, 10 - 13, and 15 - 17 are patentable at least by virtue of their depending from an allowable claim.

### CONCLUSION

In light of the above amendments and remarks, Applicant respectfully submits that the above-entitled application is now in condition for allowance. Favorable reconsideration of this application, as amended, is respectfully requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (919) 854-1400.

Respectfully submitted,



D. Scott Moore

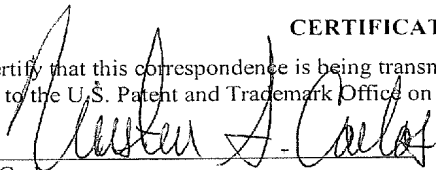
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**CERTIFICATION OF TRANSMISSION**

I hereby certify that this correspondence is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4) to the U.S. Patent and Trademark Office on June 19, 2008.

  
Kirsten S. Carlos